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International cooperation in combating transnational crime

Illicit manufacturing of and trafficking in explosives by criminals and their use for criminal purposes

Report of the Secretary-General

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* E/CN.15/2002/1.

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I. Introduction

1. In its resolution 54/127 of 17 December 1999, the General Assembly requested the Secretary-General, from within existing or extrabudgetary resources, to convene an expert group of no more than 20 members, with equitable geographical representation, to prepare a study on the illicit manufacturing of and trafficking in explosives by criminals and their use for criminal purposes, taking into consideration Economic and Social Council resolution 1998/17 of 28 July 1998, and to report to the Commission on Crime Prevention and Criminal Justice as early as possible on the results of the study.

2. Pursuant to Assembly resolution 54/127 the Group of Experts on the illicit manufacturing of and trafficking in explosives was convened twice in Vienna, from 12 to 16 March 2001 and from 18 to 21 December 2001.

3. The present report was prepared for the Commission in accordance with Assembly resolution 54/127. It summarizes the discussions conducted by the Group of Experts during their two meetings. It also contains conclusions and recommendations made by the experts arising from the study called for by the Assembly, from other information received, and from their own deliberations. Lists of the participants in the meetings and of the documentation considered by the Group of Experts are annexed to the present report. The results of the study conducted by the Group are contained in document E/CN.15/2002/9/Add.1, and a list of the States that replied to the survey questionnaire or provided other information to assist in the study are annexed to that document.

II. Background

4. In its resolution 53/111 of 9 December 1998, the General Assembly called for the elaboration of a comprehensive international convention against transnational organized crime and, as appropriate, further international instruments, including an instrument combating the illicit manufacturing of and trafficking in firearms, their parts and components, and ammunition, and established an open-ended intergovernmental ad hoc committee for that purpose. In the course of developing those instruments, the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime considered whether the instrument dealing with firearms, their parts and components, and ammunition, should also deal with explosives. After some deliberation, and based on legal advice to the effect that explosives did not fall within the mandate established by Assembly resolution 53/111, the Ad Hoc Committee decided to exclude references to explosives.

5. During the deliberations of the Ad Hoc Committee, some Member States expressed the view that an international legal instrument against the illicit manufacturing, trafficking and use of explosives was both feasible and desirable. Other Member States expressed the view that it was not technically feasible to deal with explosives on that basis, and that even if feasible, such an instrument was not needed (see A/AC.254/4/Add.2/Rev.3, footnote 74, and A/AC.254/25, para. 22). In its resolution 54/127 of 17 December 1999, the General Assembly subsequently called for the present study of the illicit manufacturing of and trafficking in explosives by criminals and their use for criminal purposes.

6. The Group of Experts obtained and assessed information relating to the nature and scope of explosive-related problems within and among Member States, and produced the present study. At its first meeting, the Group reviewed existing documents and instruments dealing with explosives, prepared a survey questionnaire for distribution to Member States, and decided to conduct additional research in several areas itself. The survey questionnaire was disseminated to Member States on 4 July 2001, requesting that they reply as soon as possible, but preferably no later than 30 September 2001. As of 20 December 2001, a total of 50 States had replied, and two further replies were received after the closing of the second meeting on that date.

7. On 10 November 2001, a statistical analysis of the replies received by that date was prepared and distributed to members of the Group of Experts, in order to give them sufficient time to review it prior to the second meeting of the Group When the results were compiled on 10 November 2001, replies had been received from 35 States. Fifteen further replies received up to the closing of the second meeting of the Group on 20 December 2001 were also reviewed and directly taken into consideration by the Group at that meeting. Other additional notes and comments

received from Member States were also taken into consideration. At its second meeting, based on the replies received and the experience of the experts, the Group finalized its study, the results of which are before the Commission (E/CN.15/2002/9/Add.1). The Group also produced conclusions and recommendations, based on its expertise and the results of the study, which are set forth in section IV of the present report.

III. Deliberations of the Group of Experts

8. The first meeting of the Group of Experts was briefed on relevant existing international instruments and there was a discussion of the implications of those instruments for the consideration of the problem of the illicit manufacturing, trafficking and use of explosives. Participants were also briefed on and considered the report of the Group of Experts on the problem of ammunition and explosives (A/54/155) submitted to the General Assembly in 1999 pursuant to its resolution 52/38J.

9. There was a discussion of the marking of explosives, including marking in order to ensure detection by sampling or sniffer devices such as those used to screen luggage and passengers in airports, and more elaborate forms of marking, also sometimes described as tagging, intended to ensure that explosives can be identified or traced prior to, and in some cases even after, detonation has occurred.

10. Marking to ensure detection involved including in explosives chemicals of a nature and volatility which ensured that they would be detected and identified as explosives by sampling devices. Most explosives emitted sufficient traces to permit such detection without any additives, but where that was not the case, certain volatile chemicals were added, marking the explosive. That type of marking was required under the International Civil Aviation Organization (ICAO) Convention on the Marking of Plastic Explosives for the Purpose of Detection, but that instrument did not cover all types of explosive and not all countries were parties to it. Apart from that fact, the major issues considered regarding that type of marking were associated with finding chemical additives that were clearly detectable, that did not degrade stability, durability or explosive performance, and that did not unduly increase the costs of manufacture.

11. Regarding the marking of explosives for the purpose of identification and tracing, or tagging, the Group noted that, while there were some similarities, explosives were not firearms, and the issues raised by the need for tagging were different from those involved with attaching and using serial numbers or other unique markings used on firearms, motor vehicles and other such items. Marking for the purpose of identification and tracing prior to detonation generally involved information stamped, embossed or stencilled onto the casings into which the explosive is packed, since many explosives were soft, semi-solid or even liquid materials that would not accept permanent markings. Even when such markings were applied, in many cases the explosives could be easily repacked or reconstituted by those wishing to conceal identity or origin. Marking for the purpose of post-detonation identification represented even greater technical challenges. Since the explosive and its casing were completely destroyed, efforts to mark had focused on the addition of physical or chemical substances that would leave distinctive particles or residues after detonation. Since the number of variations was much more limited than with physical markings such as serial numbers, there was a limit to the amount of information that could be attached. In most cases, explosive tagging would currently identify only the company or place of manufacture and possibly the approximate date or production lot or batch of its manufacture.

12. It was noted that research was ongoing in a number of countries into all kinds of explosive marking. More detailed and reliable forms of explosive marking had significant potential to reduce explosive-related crime by deterring offenders and assisting law enforcement agencies. The Group of Experts decided to obtain further information about the general state of such research, taking into consideration that in some cases it would be seen as sensitive for reasons of national security or commercial interests.

13. The Group also discussed the nature and scope of explosive-related crime. Generally, incidents ranged from substantial numbers of minor incidents, such as young people and minor criminals experimenting with explosives that were home-made or stolen from legitimate sources, to a small number of major

incidents. Major explosives incidents included accidental detonations in the course of manufacture, transport, storage or use, and intentional bombings capable of causing major loss of life, injury and destruction of property.

14. The Group of Experts noted that most of the major intentional incidents that it discussed involved offenders whose motives encompassed the high profile and publicity generated by large explosions. It considered the difficulties in attempting to develop any clear distinction between terrorist activities and crime in general, but it was aware that, since planting or detonating explosive devices where there was a risk of death, injury or property damage were treated as criminal acts by every State, making such a distinction was not necessary to its work. It therefore decided to collect and analyse data on the basis of including all explosive-related criminal activity without such distinctions.

15. The Group of Experts felt that further information was needed on several key points. General information regarding the overall scope, extent or seriousness of the problem was needed. That included seriousness both in terms of the numbers of offences or incidents, and in terms of the seriousness of some of the major occurrences. It also included information about the nature and extent of transnational elements, since concerted efforts by the international community to produce a legal instrument or take other such action would not be necessary to deal with explosive-related incidents of a purely domestic nature. The nature of transnational involvement could vary, ranging from the simple smuggling of actual explosives, to the involvement of organized criminal groups with other transnational interests in otherwise domestic incidents. On the broadest interpretation, it could even involve the simple transfer of information about how to make explosives or explosive devices from one country to another. The Group decided to consider a relatively wide range of transnational aspects.

16. The Group of Experts decided to seek information by developing a survey questionnaire and distributing it to all Member States, and spent much of its first meeting identifying issues and developing the necessary document. It also decided to seek information through the expertise of its own members in the following areas:

(a) The identification of sources of information about explosives in various Member States;

(b) Issues relating to the marking, tagging and tracing of explosives, as well as the results of any ongoing research in those areas;

(c) Issues of transnationality in incidents, including the various ways in which an incident might be considered as transnational in nature, and the extent to which that actually occurred;

(d) The types of domestic and international legal controls already in place, including such things as security in manufacture, storage, transportation and use, international customs controls, regulations and licensing or authorization systems intended to limit access and ensure the safe use of explosives, and similar matters;

(e) The needs of countries for technical assistance in relevant areas such as the sharing of scientific information about tagging, marking, detection and tracing, the training of forensic and law enforcement experts and the sharing of information about criminal methods and techniques.

17. At its second meeting,[1] the Group of Experts examined the replies to its survey questionnaire, developed an analysis of the replies and completed its study on the illicit manufacturing of and trafficking in explosives by criminals and their use for criminal purposes. In addition to the analysis of the replies received, it also analysed and summarized existing relevant international instruments and other documents and considered a series of recommendations arising out of the study process.

18. The Group of Experts noted that many of the survey responses contained data that did not distinguish between incidents associated with terrorist groups or activities and those associated with other individuals or organized criminal groups. It decided that, in analysing the replies, the involvement of terrorist elements was in some cases necessary to properly account for the information reported, and that the States that reported that information in most cases identified or characterized the problem as being wholly or partly of a terrorist nature. The Group therefore decided to accept the characterization or designation of terrorism where that was made by reporting States in respect of their own data for the purposes of the survey analysis.

19. The Group of Experts considered the question whether an international instrument dealing specifically with the illicit manufacturing of and trafficking in explosives should be recommended. There was agreement that the results of the study suggested that relatively few incidents of a transnational nature occurred, but it was also noted that incidents were likely to be underreported, and that the potential seriousness of individual incidents should be taken into consideration, even if they occurred relatively infrequently. Some experts were of the view that, while the research suggested some transnational activities, they were not sufficient in extent, frequency or seriousness to warrant the time, costs and efforts required to produce an instrument, having regard to other issues and priorities confronting the international community. Some also expressed the view that, given the state of technical and legal developments in areas such as the marking of explosives, any instrument should not be of a legally binding nature. Other experts noted that none of the existing international instruments dealt with the problem in all of its aspects. Those experts were of the view that an international legal instrument was desirable, having regard to the serious problems encountered by some States and the fact that individual incidents, even if infrequent, could represent serious threats to human life and security.

20. The Group of Experts also noted that its research suggested that many of the transnational incidents that did occur involved activities considered by the States that reported them to be of a terrorist nature. It did not agree on any recommendation regarding the desirability of an international instrument. It did, however, agree that should the United Nations decide to proceed with the development of such an instrument, it should not be restricted in the scope of its application in any way that would exclude any particular form of crime, including terrorism. In this context, it decided to recommend that any such instrument should not be developed as a further protocol to the United Nations Convention against Transnational Organized Crime, which did contain some such restrictions.

21. At the conclusion of its second and final meeting, the Group of Experts adopted a summary of its deliberations, the text of its study on the illicit manufacturing of and trafficking in explosives by criminals and their use for criminal purposes, and its conclusions and recommendations for further action concerning explosives. It requested that the Secretary-General report thereon to the Commission on Crime Prevention and Criminal Justice at its eleventh session, in accordance with General Assembly resolution 54/127.

IV. Conclusions and recommendations

A. Conclusions

22. The Group of Experts concluded that national laws regarding explosives should establish general minimum standards of care, basic safety and security, and offences for those who fail to meet specific standards. It was also of the view that the basic nature of explosives created significant risks associated with loss, theft or diversion, criminal misuse and accidental detonation, and that any standards set should take account of the basic nature of explosives as dangerous substances. It noted that the vast majority of States that responded to the survey questionnaire considered explosives to be a criminal justice issue, at least in part. Most had established criminal offences and assigned responsibility for explosives matters to officials responsible for public security or safety, criminal law enforcement or similar matters. In many cases, criminal offences and sanctions applied not only to the intentional misuse of explosives, but also to conduct involving carelessness or negligence, and in some cases relating to the enforcement of licensing requirements or other access restrictions.

23. The Group of Experts also considered the role of international law, and recommended that existing international instruments relating to explosives and transnational organized crime be ratified, implemented and applied in appropriate cases. It considered the question whether an international instrument dealing specifically with the illicit manufacturing of and trafficking in explosives should be recommended. A range of views was expressed and the Group did not agree on any recommendation regarding the desirability of an international instrument. Based on the assessment of experts and the results of the study, however, there was general agreement that, should the United Nations decide to proceed with the development of an international instrument, such an instrument should not be restricted in the scope of its application in any way that would include or exclude any particular form of crime, including terrorism. The

Group therefore was of the view that any such instrument should be independent of, rather than subordinate to, the United Nations Convention against Transnational Organized Crime.

24. The Group of Experts noted that many of the most serious explosive-related crimes involved either offenders or activities identified by the States that reported them as being of a terrorist nature, or involved the members or activities of other organized criminal groups. In some cases, such groups were cooperating or were merged to the point where they became indistinguishable. Also, while "organized criminal group" was an internationally defined term, the concept and meaning of terrorism varied. The Group therefore considered the conduct of any future research and development of policies which attempted to distinguish between crime and terrorism to be impracticable.

25. The Group of Experts also considered the role of technical assistance and other forms of international cooperation that could be useful in dealing with transnational cases and in assisting States in building their capacities to deal with domestic problems, where requested. The Group made several recommendations to the United Nations and its Member States in that regard.

26. The Group of Experts further considered the current state of technology and research into the marking of explosives for the purpose of detection as well as pre- and post-detonation identification and tracing. While it was not seen as currently feasible to recommend that mandatory domestic or international requirements be adopted, the Group was of the view that marking offered considerable future potential as a preventive measure, an investigative aid and as a potential deterrent. It noted that research was ongoing in that area and recommended that States consider adopting marking requirements, if and when shown to be technically feasible and economically viable, and that such requirements be adjusted as necessary to keep pace with scientific and industrial developments.

27. A concern raised by both experts and respondents to the survey was the fact that the information now becoming widely available through the Internet and other media included information about the chemistry and production of explosive substances and the construction of such things as detonators, bombs and other devices (A/54/155, para. 30). The Group of Experts considered that unlikely to influence the activities of sophisticated offenders, who were able to obtain the information through other sources. It could, however, assist those with little knowledge of explosives, such as children or unsophisticated offenders, in the making of explosive devices, thereby contributing to additional explosive-related incidents. The Group also considered the difficulties of regulating the Internet and similar media, given the transnational issues raised as well as constraints such as the domestic and international provisions protecting the freedom of expression. It recommended that States consider such means of curtailing the dissemination of such information as were appropriate having regard to those issues.

28. The Group of Experts noted that while many military and commercial explosives substances required sophisticated knowledge and industrial facilities to produce, a number of home-made substances could be produced from commonly available chemicals. The range of common, legitimate uses for those chemicals generally raised concerns about the application of legal restrictions on access and about requiring the alteration of such chemicals in ways that would render them inert while still preserving their utility for purposes other than producing explosives. The Group noted that research in those areas was ongoing, and recommended that it be continued and used as the basis for further controls, if and when that became technically feasible and economically viable.

B. Recommendations

29. Regarding the adoption of national legislation, the Group of Experts recommended that:

(a) National legislation should define and classify explosives in a manner that was adequate to support the creation and enforcement of criminal offences and legal restrictions or other safeguards;

(b) National legislation should provide appropriate offences, penalties and/or administrative sanctions for dangerous or illicit conduct involving explosives, including such conduct that occurred in the course of the manufacture, import, export, transport, transfer, storage, possession and use of explosives;

(c) National legislation should subject the manufacture, possession or acquisition of explosives to legal restrictions intended to deny access to those who were not qualified or who represented an unacceptable risk or danger to individual or public safety. Generally, such restrictions should be contingent on licensing or similar requirements, with licences being available only to those who met specified criteria. Licensing criteria might include such things as competence in the use of explosives, the absence of risk factors such as criminal records, and the establishment of a legitimate need for access to explosives;

(d) National legislation should criminalize the illicit manufacturing of and trafficking in explosives and provide for sanctions that take into account the gravity of the consequences of such offences. Such offences should include offences applicable to those who manufacture, import, export, possess, use or traffic in explosives without the required licence or equivalent;

(e) National legislation should include provisions prohibiting persons who represented an unacceptable risk from acquiring or possessing explosives. Such persons might include those convicted of crimes, juveniles or those not competent by reason of a mental disorder;

(f) National legislation should require the keeping of records respecting the manufacture, transfer, import, export, storage and use of explosives in as much detail as is feasible. At a minimum, that should include records that enable the tracing of explosives back to their sources, including by means of the use of end-user permits and similar requirements;

(g) National legislation should include requirements that explosives manufacturers and dealers report all thefts or losses of explosives to the appropriate law enforcement authorities;

(h) National legislation should incorporate appropriate regulatory standards for both safety and security. They should include manufacturing, storage and transportation standards that were appropriate to the types and quantities of explosives involved; that established safe working conditions for those involved; and that required those involved to disperse or compartmentalize explosives and to avoid residential, populated or public areas where detonation would result in loss of life. They should also include specific controls on the manufacturing, storage and transportation of sensitive explosive substances.

30. Regarding the development and application of international instruments, the Group of Experts recommended that:

(a) States that had not ratified the relevant international instruments should become parties to and implement them as quickly as possible. That included instruments that dealt with explosives and the United Nations Convention against Transnational Organized Crime, which could be applied to cases that involved the activities of organized criminal groups and an element of transnationality, where its other conditions for application were met;

(b) States should consider, if established as feasible by research and technological developments, the expansion or supplementing of the ICAO Convention on the Marking of Plastic Explosives for the Purpose of Detection to call for the marking of all otherwise undetectable explosives for purposes of detection (see A/54/155, paras. 80-83);

(c) States should consider expanding the scope of the International Convention for the Suppression of Terrorist Bombings (General Assembly resolution 52/164, annex) to require the criminalization of the illicit manufacturing of and trafficking in explosives;[2]

(d) Any further international legal instrument dealing with explosive-related crime, in the event that the international community should decide to develop such an instrument, should not be limited in its application to any form of crime, including terrorism, and should not be a subordinate instrument to the United Nations Convention against Transnational Organized Crime.[3]

31. Regarding matters of technical assistance and international cooperation the Group of Experts further recommended that:

(a) States should accelerate research into the marking of explosives for the purpose of identification both before and after detonation. To the extent that such research established that the marking and tagging of explosives was technically feasible and economically viable, States should consider adopting legislation requiring marking on explosives manufactured in or imported into their jurisdictions,

and cooperate to develop, disseminate and implement common standards for marking and tagging. To the extent feasible, such standards should include the tagging of explosives for the purpose of post-detonation identification and tracing, and incorporate information in as much detail as possible to assist investigators. Such information may include elements such as the type of explosive and the date and place of manufacture;

(b) Member States should be encouraged to share information, including criminal intelligence, among explosives experts as freely as possible, bearing in mind that such information should not fall into the hands of potential offenders. Subject areas in which information should be shared included the following:

(i) The manufacturing and technical nature of specific explosives to facilitate identification, tracing, detection and the training of experts;

(ii) Devices or techniques used by criminal individuals or groups, in particular if similar information was likely to be passed from one country to another through criminal channels;

(iii) Legal cross-border commerce involving explosives, where needed to assist the countries involved in providing adequate security or other measures;

(iv) Specific criminal activities, both informally where possible and through normal mutual legal assistance channels where necessary;

(c) To facilitate the sharing of information, States should consider the establishment of a medium or forum for communication between law enforcement agencies, with a degree of security appropriate to the sensitivity of the information being shared;

(d) States should assist one another in establishing the identity, legitimacy and legal eligibility of individuals and companies involved in the legal import, export and transit of explosives;

(e) States should engage in and support technical assistance where possible, either bilaterally or through the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat, in the following areas and in accordance with the needs of requesting States:

(i) The development and dissemination of technical materials to assist investigators, legislators, regulators and other officials;

(ii) The training and professional development of experts in relevant areas, including the deactivation of explosives devices, the investigation of explosive detonation and other explosive-related incidents, and the monitoring and inspection of legitimate explosive-related activities;

(iii) The assistance of national experts or investigators, where feasible and requested, in specific criminal cases involving explosives;

(iv) Assistance in acquiring sophisticated apparatus, notably for the detection of explosives by sampling and other methods, and for the analysis of explosives residues, as well as assistance with the training of personnel in the use of such apparatus;

(f) Further research, based on the study conducted by the Group of Experts, in accordance with the findings and recommendations of the Group of Experts on the problem of ammunition and explosives (A/54/155, paras. 104-110), and consistent with Council resolution 1998/17, should be conducted;

(g) States should explore legal, technical and other means of discouraging the dissemination of technical information about the manufacture of explosives and explosive devices, in particular through mass media such as the Internet;

(h) While it was not generally feasible to impose legal restrictions on access to chemicals that were explosive precursors or components, States could consider measures to discourage inappropriate transfers of chemicals such as certain ammonium nitrate compounds. Examples could include requirements or guidelines establishing "know-your-customer" principles similar to those applied as a precaution against money-laundering, requiring distributors or vendors to keep appropriate records of sales to deter improper transfers and assist investigators, or encouraging or requiring the reporting of suspicious transactions;

(i) States should also conduct research into additives or processes for rendering substances such as ammonium nitrate unusable as a component of

explosives, and consider implementing the results of such research, if technically feasible and economically viable;

(j) The United Nations should establish a statistical database to collect and serve as a repository of information about explosive-related incidents from national repositories such as bomb data centres, regional organizations and other sources of such information, taking into consideration the legitimate security and law enforcement needs of Member States;

(k) The United Nations should compile and publish a compendium of relevant international instruments and other documents, to serve as a reference for national policy makers, legislators and law enforcement personnel. Such a compilation would include legal instruments, international and regional agreements, resolutions and other such material;

(l) The United Nations could produce and disseminate legislative outlines or model laws to assist national legislators and support the international standardization of legislative elements such as: criminal offences; negligence and safety-related provisions; licensing requirements and other controls on access; controls on manufacturing, importation and exportation; controls on precursor chemicals; controls on use, transportation and storage; and the keeping of relevant records.

V. Meetings of the Group of Experts

A. Organization

32. The Group of Experts on the illicit manufacturing of and trafficking in explosives held meetings in Vienna from 12 to 16 March 2001 and from 18 to 21 December 2001. The resources available did not permit the assistance of individual experts with travel or other expenses, and it was only possible to provide simultaneous interpretation at the second and final meeting. As a result, some experts were not able to attend in person. Texts of the informal report on the first meeting and of the survey questionnaire were made available to the experts in English, French and Spanish, as appropriate, and other documents were provided to the experts in the languages in which they were received. As decided at the first meeting, individual experts conducted research into specific issues, and all the experts reviewed the replies to the survey questionnaire. The information thus generated was then considered by the Group at its second and final meeting.

33. At the first meeting of the Group, Stan Joubert (South Africa) was elected by acclamation as Chairman.

B. Attendance

34. Seventeen experts were appointed as members of the Group of Experts, in consultation with the Chairmen of the regional groups. The first meeting was attended by eight experts. The second meeting was attended by eight experts and three observers. The participants in the meetings of the Group of Experts are listed in annex I to the present report.

C. Documentation

35. In its deliberations, the Group of Experts had before it the following resolutions of the General Assembly: resolution 52/164 of 15 December 1997, entitled "International Convention for the Suppression of Terrorist Bombings"; resolution 53/111, entitled "Transnational Organized Crime"; resolution 54/127, titled "Activities of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime: illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, as well as consideration of the need to develop an instrument on the illicit manufacturing of and trafficking in explosives"; resolution 55/25 of 15 November 2000, entitled "United Nations Convention against Transnational Organized Crime"; and resolution 55/255, titled "Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime". It also had before it Security Council resolution 1373 (2001) of 28 September 2001, condemning the terrorist attacks against the United States of America on 11 September 2001, and two resolutions of the Economic and Social Council, resolution 1997/28 of 21 July 1997, entitled "Firearm regulation for purposes of crime prevention and public health and safety", and resolution 1998/17, entitled "Regulation of explosives for the purpose of

crime prevention and public health and safety". The Group also took into consideration the report of the Group of Experts on the problem of ammunition and explosives (A/54/155), requested by the Assembly in its resolution 52/38 J of 9 December 1997, as well as a series of international legal instruments and other documents dealing with relevant subjects, including explosives, terrorist bombing and transnational organized crime, and other materials obtained or produced by the research of its members. In addition to the above-mentioned resolutions, a list of the documentation considered by the Group of Experts on the illicit manufacturing of and trafficking in explosives is contained in annex II to the present report.

Notes

[1] The second meeting of the Group of Experts was scheduled for 18 to 21 December 2001, but it was actually able to complete its work and adjourn the meeting on 20 December 2001.

[2] In considering this recommendation, the Group of Experts was mindful of the meaning of the term "trafficking" in the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, as well as the similar meaning in the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials.

[3] See General Assembly resolution 55/25, annex I, article 2 (a), definition of "organized criminal group", and article 3, scope of application.

Annex I

List of participants in the meetings of the Group of Experts

A. Experts

Adrian Baciu
(Romania)

Gilmar Pinto Barbosa
(Brazil)

Giancarlo Roberto Bellelli
(Italy)

Claude Calisti
(France)

Oscar F. Musso Garcia
(Peru)

Jose R. Vivas Guevara
(Colombia)

Joel Hernández
(Mexico)[a]

Satish Chandra Jha
(India)

Carlos Marin Jiminez
(Mexico)[a]

Stan Joubert
(South Africa), Chairman

Sviatoslav Lokutov
(Ukraine)

Sayed Ali Mohammad Mousavi
(Islamic Republic of Iran)

Andrey Perederiy
(Russian Federation)

Ertan Seven
(Turkey)

Lee Sang Sik
(Republic of Korea)

Vlastimil Sporek
(Czech Republic)

William Spruce
(United States of America)

[a] Marin Jiminez was replaced by Joel Hernández at the second meeting of the Group of Experts.

B. Observers

Linda Briza (Algeria)

S. Flores Liera (Mexico)

Guy K. Hummel (United States of America)

David Wulf (United States of America)

Annex II

List of documents before the meetings of the Group of Experts

Document symbol	*Title or description*
A/AC.254/25	Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on its seventh session
A/AC.254/4/Add.2/Rev.3	Revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime
A/54/155	Report of the Group of Experts on the problem of ammunition and explosives
S/22393, annex I	Convention on the Marking of Plastic Explosives for the Purpose of Detection, adopted by the International Conference on Air Law held under the auspices of the International Civil Aviation Organization at Montreal, Canada, on 1 March 1991
Treaty A-63 of the Organization of American States	Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, adopted by the General Assembly of the Organization of American States in Washington, D.C., on 14 November 1998